



Convention on the Rights of Persons with Disabilities

Distr.: General
4 November 2016

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Ethiopia*

I. Introduction

1. The Committee considered the initial report of Ethiopia (CRPD/C/ETH/1) at its 271st and 272nd meetings (see CRPD/C/SR.271 and 272), held on 16 and 17 August 2016, respectively. It adopted the present concluding observations at its 289th meeting, held on 29 August 2016.

2. The Committee welcomes the initial report of Ethiopia, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for the written replies (CRPD/C/ETH/Q/1/Add.1) to the list of issues prepared by the Committee.

3. The Committee appreciates the constructive dialogue held with the State party's delegation and welcomes the further clarifications provided in response to the questions posed orally by the Committee.

II. Positive aspects

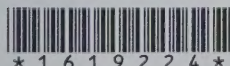
4. The Committee notes with appreciation that the State party has adopted the National Action Plan for Persons with Disabilities 2012-2021. The Committee welcomes the incorporation of the obligation to provide reasonable accommodation in the Employment of Persons with Disabilities' proclamation and the Federal Civil Servants proclamation, and the upcoming revision of the Civil Code.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1-4)

5. The Committee is concerned that legislation and policies continue to employ derogatory terms to refer to persons with disabilities such as "insane", "infirm" and "deaf-mute".

* Adopted by the Committee at its sixteenth session (15 August-2 September 2016).



6. The Committee recommends that the State party eliminate the use of all derogatory language to refer to persons with disabilities and ensure that all existing and new laws and regulations, and definitions used therein, comply with the human rights-based model of disability in accordance with the Convention.

7. The Committee is further concerned that persons with disabilities and their representative organizations are not systematically consulted in the development of all policies and laws, training and awareness-raising across all sectors, and that restrictions to foreign donor funding of disability rights hinder the liberty of association of persons with disabilities.

8. The Committee recommends that the State party ensure systematic and meaningful consultation with organizations of persons with disabilities in the development of all policies and laws, training and awareness-raising across all sectors, including in the implementation of the National Action Plan for Persons with Disabilities 2012-2021, and that the State party ensure the independence of association of persons with disabilities and their representative organizations.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

9. The Committee is concerned that the concept of reasonable accommodation enforced in domestic law is only related to employment and not to other areas covered by the Convention. It also notes with concern that the denial of reasonable accommodation is not recognized as a form of discrimination in all areas, including the denial of reasonable accommodation in detention and in education.

10. The Committee recommends that the State party adopt a comprehensive definition of reasonable accommodation in the law that applies to all rights. It also recommends that the State party recognize the denial of reasonable accommodation in all areas as amounting to discrimination, as prescribed by article 5, and provide training to the public and private sectors on this obligation.

11. The Committee is concerned that there are no effective complaint mechanisms or remedies for disability-based discrimination and that multiple and intersectional forms of discrimination are neither recognized nor sanctioned in law and in practice.

12. The Committee recommends that the State party provide legal protection against disability-based discrimination, multiple and intersectional forms of discrimination faced by persons with disabilities and establish effective legal remedies. It also recommends the provision of training and awareness-raising for public officers, the judiciary and organizations of persons with disabilities on how to bring complaints and access justice. It further recommends that the State party take into account article 5 of the Convention while implementing targets 10.2 and 10.3 of the Sustainable Development Goals.

Women with disabilities (art. 6)

13. The Committee is concerned that the rights of women and girls with disabilities are not effectively mainstreamed and respected in law and in practice. It is also concerned that organizations of women and girls with disabilities are neither involved nor consulted on the implementation of the Convention.

14. The Committee recommends that the State party mainstream the rights of women with disabilities in law and in practice. It also recommends that the State party ensure the consultation and involvement of organizations of women and girls

with disabilities with regard to the implementation of the Convention. It further recommends that the State party take into account article 6 of the Convention and the Committee's general comment No. 3 (2016) on women and girls with disabilities, while implementing targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals.

Children with disabilities (art. 7)

15. The Committee is concerned about the lack of specific legislation to address and ensure the protection of the rights of children with disabilities against abandonment, neglect, mistreatment and corporal punishment in all aspects of life.

16. **The Committee recommends that the State party adopt and implement specific legislation to address the protection of children with disabilities against abandonment, neglect and mistreatment, including through the support of parents of children with disabilities. It also urges the State party to abolish, in law and in practice, corporal punishment against children with disabilities in all spheres.**

Awareness-raising (art. 8)

17. The Committee is concerned that the State party has not adopted a national disability awareness policy or strategy to strengthen efforts to prevent and combat disability stereotypes and discrimination on the basis of impairment, including albinism.

18. **The Committee recommends that the State party adopt a national disability awareness strategy to effectively prevent and combat disability stereotypes and discrimination faced by persons with disabilities, including persons with albinism.**

Accessibility (art. 9)

19. The Committee is concerned at the lack of implementation of laws, regulations and directives on infrastructure accessibility, the lack of compliance with the existing Building Code and that the concept of universal design is not enforced in domestic law. It is also concerned that policies on accessibility are limited to physical impairment and do not target all persons with disabilities, and that no criteria on accessibility have been adopted and applied within public procurement policies.

20. **The Committee recommends that the State party fully implement laws, regulations and directives on infrastructure accessibility, including the Building Code. It also recommends that the State party adopt a comprehensive plan of action and standards on accessibility, including accessibility of the environment, transportation, buildings and facilities, information and communications. It further recommends that the State party introduce training and sanctions for non-compliance in relation to accessibility, universal design, procurement and construction, in line with the Committee's general comment No. 2 (2014) on accessibility, and to implement targets 11.2 and 11.7 of the Sustainable Development Goals.**

Right to life (art. 10)

21. The Committee is deeply concerned that protection of the right to life of persons with disabilities, especially persons with albinism and children with psychosocial and/or intellectual disabilities, is not effective either in law or in practice.

22. **The Committee recommends that the State party take measures, including effective investigations and strengthening sanctions, to ensure an effective protection of the right to life of persons with disabilities, especially persons with albinism and children with psychosocial and/or intellectual disabilities.**

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee is concerned at the absence of measures to tackle humanitarian crises, specifically relating to persons with disabilities and their specific requirements.

24. **The Committee recommends that the State party adopt, within a clear timeline, a risk and emergency strategy and ensure that disability issues are integrated into the strategy, in compliance with the Sendai Framework for Disaster Risk Reduction 2015-2030.**

Equal recognition before the law (art. 12)

25. The Committee is concerned that the legislative provisions of the Civil Code contradict article 12 of the Convention, in particular articles 339-388 and 1728 in chapter 3 ("Insane persons and infirm persons") and chapter 4 (Judicial interdiction), and article 740 of the Commercial Code. Those provisions restrict the right of persons with psychosocial disabilities and intellectual disabilities to the full enjoyment and exercise of their rights, including the right to marry, to act as witness and to vote, and parental rights and, for blind, deaf and deaf-blind persons, the right to carry out banking transactions.

26. **The Committee recommends that the State party repeal the legislative provisions that are non-compliant with article 12 of the Convention, in particular those provisions of the Civil Code (chaps. 3 and 4, arts. 339-388 and 1728) and Commercial Code (art. 740) and all forms of substituted decision-making. It also recommends that the State party explicitly recognize in law the full legal capacity of persons with disabilities with respect to all rights, including the right to marry, to enter into a contract, to vote, to own property, to a family, to carry out banking transactions and to have access to justice, in line with the Committee's general comment No. 1 (2014) on equal recognition before the law.**

27. The Committee is concerned that the provision of support is not effectively available in order to ensure the exercise of legal capacity of persons with disabilities on an equal basis with others.

28. **The Committee recommends that the State party ensure the provision of support in order for persons with disabilities to be able to exercise their legal capacity on an equal basis. It also recommends that the State party develop and implement supported decision-making models that respect the autonomy, will and preferences of the person and that it adopt safeguards against undue influence and conflict of interest, in line with the Committee's general comment No. 1.**

Access to justice (art. 13)

29. The Committee is concerned that the training of justice staff, lawyers, court staff and the police on the rights of persons with disabilities is neither compulsory nor carried out regularly. It is also concerned that procedural accommodation is not effectively available, in law and in practice.

30. **The Committee recommends that the State party ensure compulsory and regular training of justice and police staff on the rights of persons with disabilities. It also recommends that procedural accommodation be effectively available at all stages of investigations and court proceedings. It further recommends that the State party take into account article 13 of the Convention, while implementing target 16.3 of the Sustainable Development Goals.**

Liberty and security of the person (art. 14)

31. The Committee is concerned that forced detention on the basis of impairment is allowed. The Committee is concerned that the legislation of the State party allows for persons with intellectual and psychosocial disabilities to be declared unfit to stand trial, without due process of law. It is also concerned that persons with disabilities who are declared to be unfit to stand trial are subjected to security measures and, on that account, deprived of their liberty without a time limitation.

32. The Committee recommends that the State party repeal laws permitting deprivation of liberty on the basis of impairment and draft new legislation that prohibits that practice. It also recommends that the State party repeal those laws that allow for persons with intellectual or psychosocial disabilities to be declared unfit to stand trial, and that it allow that such persons benefit from due process of law guarantees. Likewise, security measures cannot be applied to carry out the deprivation of liberty without proof of guilt. The Committee refers the State party to its guidelines on article 14.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

33. The Committee is deeply concerned by reports of the use of coercive measures, including physical restraint and seclusion, of adults and children with psychosocial and/or intellectual disabilities, and that corporal punishment is lawful at home.

34. The Committee urges the State party to prohibit all forms of coercive treatments against adults and children with disabilities, including physical restraint and isolation, which are considered to be cruel, inhuman or degrading treatment, and the use of corporal punishment.

Freedom from exploitation, violence and abuse (art. 16)

35. The Committee is concerned about ineffective reporting and complaints mechanisms in which the testimony of persons with disabilities who are subjected to violence is not considered reliable and therefore not admissible, and about the lack of implementation of provisions that address violence, exploitation and abuse against persons with disabilities.

36. The Committee urges the State party to strengthen the protection of persons with disabilities against violence, exploitation and abuse, particularly women and girls, by:

- (a) Adopting a due diligence framework to combat impunity in cases of violence;
- (b) Establishing inclusive and accessible victim support services, including accessible hotlines, shelters and reporting and complaints mechanisms that accept their testimonies;
- (c) Introducing awareness-raising and training for, inter alia, police, health professionals and social workers on supporting persons with disabilities who are subjected to violence;
- (d) Collecting information disaggregated by gender, age and disability, among other factors, with the necessary budget allocation.

Protecting the integrity of the person (art. 17)

37. The Committee is concerned that forced treatment on the basis of impairment still exist, especially based on third-party consent. It is also concerned that medical personnel

working with persons with disabilities are not adequately trained on the rights of persons with disabilities, especially the right to free, prior and informed consent.

38. **The Committee recommends that the State party ensure that forced treatment on the grounds of disability is fully prohibited. It also recommends that the State party train medical personnel working with persons with disabilities on the Convention, particularly on the right to free, prior and informed consent, in line with the Committee's general comment No. 1.**

39. The Committee is concerned at the existence of harmful practices, such as female genital mutilation, which include women and girls with disabilities.

40. **The Committee recommends that the State party effectively address female genital mutilation both in law and in practice, including women and girls with disabilities. It also recommends that the State party take into account article 17 of the Convention while implementing target 5.3 of the Sustainable Development Goals.**

Liberty of movement and nationality (art. 18)

41. The Committee is concerned that the process of birth registration of all newborn children with disabilities across all territories, including refugee camps, is not carried out to its fullest extent.

42. **The Committee recommends that the State party strengthen the birth registration system to ensure that every newborn child with disabilities in all areas of the country, in particular those living in remote and rural areas and those living in refugee camps, are registered immediately upon birth.**

Living independently and being included in the community (art. 19)

43. The Committee is concerned at the absence of community support services that provide for the inclusion of persons with disability in society. It is also concerned at the lack of availability and accessibility of personal assistance services for persons with disabilities.

44. **The Committee recommends that the State party enhance the availability, accessibility and inclusiveness of existing public services and develop further community-based services for persons with disabilities to ensure that they have the opportunity to choose their place of residence and where and with whom they live, including in rural areas. It also recommends that the State party ensure the availability and accessibility of personal assistance services for persons with disabilities.**

Freedom of expression and access to information and communication (art. 21)

45. The Committee is concerned that freedom of expression of persons with disabilities is restricted and that necessary support is not provided for them to fully enjoy that right.

46. **The Committee recommends that the State party ensure that freedom of expression is protected in law and in practice for persons with disabilities, and that necessary support is provided for them to fully enjoy that right, including by the provision of reasonable accommodation.**

47. The Committee is concerned that Ethiopian Sign Language is not recognized as an official language of the State party and at the lack of or insufficient number of trained and qualified sign language interpreters.

48. **The Committee recommends that the State party take all legislative and other measures to significantly increase the number of trained and qualified sign language**

interpreters throughout the territory and to recognize and promote the use of sign language as an official language.

Respect for the home and family (art. 23)

49. The Committee is concerned that legislation of the State party entails discrimination on the basis of disability regarding the rights of the family, namely, articles 34, 51 and 220 of the Family Code. The Committee notes with concern the inadequate availability of community-based support for families with children with disabilities and also for parents with disabilities.

50. **The Committee recommends that the State party repeal the provisions of the Family Code that entail discrimination on the basis of disability, such as articles 34, 51 and 220 and other legislation based on negative stereotypes of persons with disabilities regarding family life. It also recommends that the State party ensure the availability of community-based support for parents with disabilities and families with children with disabilities to guarantee enjoyment of the right to family on an equal basis with others.**

Education (art. 24)

51. Although inclusive education resource centres have been established, the Committee notes with concern the absence of a comprehensive strategy towards inclusive education system with fixed deadlines and outputs, especially for deaf students and students with intellectual disabilities. The Committee is concerned that no policy exists to enable students with disabilities to effectively access education, especially for girls with disabilities.

52. **The Committee recommends that the State party adopt and implement a comprehensive strategy with a road map towards inclusive and quality education, eliminating gender disparities and ensuring equal access to all levels of education. It also recommends that the State party guarantee in the law a legally enforceable right to inclusive education and ensure the accessibility of school environments, materials and curricula, the provision of reasonable accommodation, and the regular and compulsory pre-service and in-service training of all teachers on inclusive education. It further recommends that the State party allocate effective and adequate financial, material and educated human resources and setting clear timelines, targets, baselines and indicators to secure timely and measurable progress in the implementation of the right to inclusive education, in line with targets 4.5 and 4 (a) of the Sustainable Development Goals and the Committee's general comment No. 4 (2016) on the right to inclusive education.**

Health (art. 25)

53. The Committee is concerned that access to health care and the capacity of health and social services to provide care for children with disabilities is not sufficient, in particular in rural zones.

54. **The Committee recommends that the State party ensure sufficient capacity of health and social services to provide care for children with disabilities, in particular in rural regions.**

55. The Committee is concerned that training for staff of hospitals and health-care centres on the rights of persons with disabilities, including on free and informed consent, sexual and reproductive health, HIV and sexually transmitted infections, is neither regular nor compulsory. The Committee is further concerned that education and information on health-care services is neither accessible nor available across all states, including in rural regions.

56. The Committee recommends that the State party ensure that hospital and health-care centre staff are given regular and compulsory training on the rights of persons with disabilities, including on the individual right to free and informed consent, sexual and reproductive health, HIV and sexually transmitted infections. It also recommends that the State party take into account article 25 of the Convention while implementing targets 3.7 and 3.8 of the Sustainable Development Goals.

Habilitation and rehabilitation (art. 26)

57. The Committee is concerned that habilitation and rehabilitation programmes do not target all persons with disabilities. It is also concerned at the lack of participation of organizations of persons with disabilities in the design of habilitation and rehabilitation programmes, and in the design of mobility aids, devices and other assistive technologies.

58. The Committee recommends that the State party adopt habilitation and rehabilitation programmes that target all persons with disabilities, irrespective of their impairment, gender or age. It also recommends that the State party ensure accessible participation of persons with disabilities in habilitation and rehabilitation services, and that programmes and assistive devices are designed in close collaboration with organizations of persons with disabilities.

Work and employment (art. 27)

59. The Committee is concerned that the rate of employment of persons with disabilities is very low, which increases the risk of poverty and segregation. It is also concerned about the absence of affirmative measures to enhance the employment of persons with disabilities, both in the public and private sectors.

60. The Committee recommends that the State party:

(a) Take effective and affirmative measures to ensure the employment of persons with disabilities in the open labour market, including by increasing vocational training opportunities;

(b) Ensure that the open labour market is inclusive and accessible and that reasonable accommodation and support is provided in the workplace;

(c) Be guided by article 27 of the Convention in implementing target 8.5 of the Sustainable Development Goals.

Adequate standard of living and social protection (art. 28)

61. The Committee is concerned that, while the State party has the second largest productive safety net programme in sub-Saharan Africa, 95 per cent of persons with disabilities live in poverty, and that there are few programmes that specifically target persons with disabilities and cover disability related expenses. It is also concerned that disability assessment is based on a medical approach, and at the absence of data on the number of households containing persons with disabilities who receive either social protection cash transfers or social cash transfers.

62. The Committee recommends that the State party ensure that poverty reduction and social protection strategies target persons with disabilities, and that disability assessments are based on human rights. It also recommends that the State party be guided by article 28 of the Convention in implementing target 10.2 of the Sustainable Development Goals.

Participation in political and public life (art. 29)

63. The Committee is concerned that restriction to the right to vote of “notoriously insane persons” is possible under law. It is further concerned that persons with disabilities are not guaranteed support to exercise their right to vote in law and in practice.

64. **The Committee recommends that the State party take all legislative and other measures to guarantee the political rights of persons with disabilities, in particular persons with psychosocial or intellectual disabilities, including by removing any restrictions on the exercise of political rights, in law or in practice.**

C. Specific obligations (arts. 31-33)**Statistics and data collection (art. 31)**

65. The Committee is concerned about the absence of systematic data collection on persons with disabilities disaggregated by disability, sex and age across all sectors, including those subjected to violence.

66. **The Committee recommends that the State party pay attention to the links between article 31 of the Convention and target 17.18 of the Sustainable Development Goals to increase significantly the availability of timely and reliable data, including through consultation with representative organizations of persons with disabilities.**

International cooperation (art. 32)

67. The Committee is concerned at the lack of mainstreaming of disability rights in the national implementation and monitoring of the 2030 Agenda for Sustainable Development. It notes with concern that organizations of persons with disabilities are neither fully and independently consulted nor involved in the implementation of the Convention.

68. **The Committee recommends that disability rights be mainstreamed in the national implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, and that those processes be undertaken in close cooperation and involvement of organizations of persons with disabilities.**

National implementation and monitoring (art. 33)

69. The Committee is concerned that the State party has not designated focal points in all branches of Government in order to mainstream disability issues across all policies and programmes. It notes with concern that the Ethiopian Human Rights Commission does not comply with the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles). It is concerned at the absence of specific mechanisms for the participation of organizations of persons with disabilities in the monitoring of the Convention.

70. **The Committee recommends that the State party designate focal points in all branches of Government to mainstream disability issues across all policies and programmes. It also recommends that the State party take all necessary measures to ensure the full compliance of the Ethiopian Human Rights Commission with the Paris Principles. It further recommends that the State party ensure the full participation of organizations of persons with disabilities and civil society in the entire process of monitoring the implementation of the Convention, in particular through systematic consultation with the Human Rights Commission and the Ethiopian Institution of the Ombudsman.**

IV. Follow-up

Cooperation and technical assistance

71. Under article 37 of the Convention, the Committee can provide technical guidance to the State party on any queries addressed to the experts via the secretariat. The State party can also seek technical assistance from United Nations specialized agencies with offices in the country or the region.

Dissemination of information

72. The Committee requests that the State party provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee's recommendations set out in paragraph 10 (recognize that the denial of reasonable accommodation in all areas amounts to discrimination and provide training to the public and private sectors on that obligation) and paragraph 22 (take measures, including effective investigations and strengthening sanctions, to ensure an effective protection of the right to life of persons with disabilities, especially persons with albinism and children with psychosocial and/or intellectual disabilities).

73. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

74. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic reports.

75. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.

Next periodic report

76. The Committee requests the State party to submit its combined second and third reports by 7 August 2020 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date for the report of a State party. The replies of a State party to such a list of issues constitute its report.